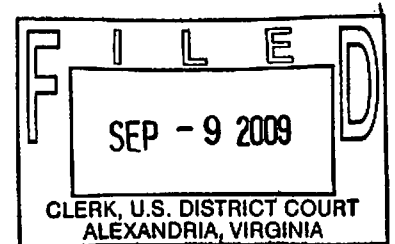


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



SPH AMERICA, LLC
Plaintiff,

v.

FOLEY & LARDNER LLP
Defendant.

1:09cv945 (LMB/JFA)

O R D E R

On Friday, August 21, 2009, plaintiff filed in the open docket a Complaint, with various exhibits attached, in which it alleged that the defendant law firm had through its filings in other cases breached various non-disclosure agreements and court orders. On Monday, August 24, 2009, plaintiff moved to seal the entire Complaint and Exhibit 6.

The defendant has filed a vigorous Opposition in which it argues that because the Complaint was widely disseminated before August 24, 2009 due to public electronic access to the docket, any rationale for sealing has been undermined and that the public's fundamental right to access judicial records is not outweighed by any harm to the plaintiff from continued public disclosure.

The defendant's argument has merit. The Court finds on this record that plaintiff has not established that it will suffer any significant harm from this Complaint and Exhibit 6 remaining publicly filed, nor has it articulated any government secret or

public interest served by sealing. Moreover, this plaintiff has filed several lawsuits in this district and should be fully aware of the immediate public access to complaints and the appropriate procedure for filing matters under seal. For whatever reason, it chose not to tender the Complaint under seal with an appropriate written motion requesting that relief. As this Court has previously held, once something "secret is posted on the Internet, it is effectively part of the public domain, impossible to retrieve." Religious Tech Ctr. V. Lerma, 908 F.Supp 1362, 1368 (ED Va. 1995).

For all these reasons, it is hereby

ORDERED that plaintiff's Motion to Seal be and is DENIED.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 9th day of September, 2009.

Alexandria, Virginia

ls/ LMB
Leonie M. Brinkema
United States District Judge